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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,016	03/16/2005	Tomio Kuga	1254-027PUS1	9295

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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EDWARDS, ANTHONY Q

ART UNIT	PAPER NUMBER
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2835

NOTIFICATION DATE	DELIVERY MODE
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12/26/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Office Action Summary**

Application No.

10/528,016

Applicant(s)

KUGA, TOMIO

Examiner

Anthony Q. Edwards

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,3,5-10,12-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5-10,12,13 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 and 16-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>four (4) IDS docs.</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 2, 3, 5-10, 12, 13 and 24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 3, 2007.

### ***Claim Objections***

Claims 22 and 23 are objected to because of the following informalities: claim 22 recites the limitation "the motor" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 23 depends from claim 22 and is therefore objected to for at least the same reasons. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 16, 17, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,749,556 to Matsuoka et al. ("Matsuoka" hereinafter). Referring to claim 14, Matsuoka discloses a flat display apparatus comprising a main body unit (2) with a display (3) screen, a stand unit (not numbered), and a rotation mechanism (1) for rotating the main body unit horizontally with respect to the stand unit, wherein the rotation mechanism is adapted to reduce the transmission of a rotation load

upon application of a rotation load exceeding a certain level. See Figs. 1-4 and col. 2, lines 27-41.

Referring to claim 16, Matsuoka discloses the device as claimed, wherein the rotation mechanism (1) comprises two or more gears (87b and 87c), of which two or more gears are torque-limiting gears that are adapted to reduce the transmission of a rotation load upon application of a rotation load exceeding a certain level. See Fig. 3 and col. 2, lines 6-41.

Referring to claim 17, Matsuoka discloses the device as claimed, wherein the torque-limiting gears include an upper gear (87c) and a lower gear (87d), wherein the upper and lower gears are adapted to reduce the transmission of a rotation load by frictionally slide upon one another upon application of a rotation load exceeding a certain level. See Fig. 3 and col. 2, lines 6-41.

Referring to claim 19, Matsuoka discloses the device as claimed, wherein the rotation mechanism includes a drive motor (82) and is capable of automatic rotation. See Fig. 1 and col. 1, lines 50-59.

Referring to claim 22, Matsuoka discloses the device as claimed, wherein the rotation mechanism is adapted to reduce the speed of rotation between the motor (82) and the gears or between the gears, the rotation mechanism further comprising a torque-limiting gear (87), wherein the transmission of a rotation load is reduced as an upper gear (87c) and a lower gear (87d) of the torque-limiting gear frictionally slide upon one another. See Fig. 3 and the corresponding specification.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka. Matsuoka disclose the device as claimed, including the torque-limiting gear including a gear base (87b) to which an upper gear (87c) is secured, and wherein a lower gear (87d) is disposed between the gear base and the upper gear, wherein the gear base (87b) has a friction member (87c) disposed on the surface thereof facing the lower gear (87d), and a resilient member (88) being adapted to press the lower gear (87d) against the friction member (87c) such that the lower gear and the gear base frictionally slide upon one another to reduce the transmission of a rotation load. See Fig. 3 and the corresponding specification. Matsuoka does not disclose the resilient member (88) disposed between the upper and lower gears, but instead discloses the resilient member disposed between the lower gear (87d) and the base gear (87b).

It would have obvious to a person having ordinary skill in the art at the time of the invention to modify the display apparatus of Matsuoka to include the resilient member disposed between the upper and lower gears, since it has been held that a mere reversal of working parts involves only routine skill in the art.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka in view of U.S. Patent No. 5,124,805 to Chung et al. Matsuoka discloses the device as substantially claimed, except for rotation mechanism including means for receiving remote operation and a position sensor. Chung discloses a remote controlled television receiver having both remote control operation (see the Abstract) and a position sensor (LM1/LM2). See the Abstract and col. 4, lines 37-41.

It would have obvious to a person having ordinary skill in the art at the time of the invention to modify the display apparatus of Matsuoka to include remote control operation and a position sensor mechanism, as taught by Chung, since the device of Chung would allow a user of the display of Matsuoka to remotely adjust the display exactly as desired.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (6:00-3:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 14, 2007  
aqe

*JN Gandhi*  
*12/19/07*  
JAYPRAKASH GANDHI  
SUPERVISORY PATENT EXAMINER